

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to Conduct Gambling Activities of:)	NO. CR 2015-00207
)	
)	
Dane E. Andrus)	FINDINGS, CONCLUSIONS,
Yakima, Washington,)	DECISION, AND FINAL
)	ORDER IN DEFAULT
)	
Licensee.)	

THE MATTER of the revocation of the license to conduct gambling activities of Dane E. Andrus, having come before the Commission on May 7, 2015, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued Dane E. Andrus license number 23-00680, authorizing activity as a manufacturer representative, formerly employed by International Gaming Technologies (IGT).

The Commission issued this license, which expires on June 3, 2015, subject to Mr. Andrus' compliance with state gambling laws and Commission rules.

II.

On February 20, 2015, Director David Trujillo issued administrative charges to Dane E. Andrus, by regular and certified mail. The administrative charges notified Mr. Andrus that failure to respond would result in the entry of a default order revoking his license. On April 3, 2015, the Director issued amended administrative charges to Mr. Andrus. Mr. Andrus did not respond to the charges and therefore, waived his right to a hearing. Pursuant to RCW 34.05.440, this final order is entered in default.

III.

SUMMARY:

Dane E. Andrus was charged with Robbery, 1st degree (class A felony) and Attempting to Elude Police (class C felony). Prosecution of the crimes is pending and Mr. Andrus is in custody. Mr. Andrus had his pending state charges dismissed without prejudice and has now been indicted on Federal charges for Bank Robbery and Brandishing of a Firearm During a Crime of Violence, in violation of Title 18, and is currently in custody on a U.S. Marshall Hold, pending further disposition.

FACTS:

- 1) On January 28, 2015, a Gambling Commission Special Agent (agent) was assigned to Mr. Andrus' file after receiving a tip that he was the subject involved in a bank robbery.
- 2) The agent reviewed the court documents, including the information filed in Yakima County Superior Court charging Mr. Andrus with Robbery, 1st degree, a class A felony, and Attempting to Elude a Pursuing Police Vehicle, a class C felony.
- 3) The agent reviewed the Declaration of Probable Cause, which states on January 28, 2015, police responded to the US Bank in Nob Hill in Yakima in reference to an armed robbery. The Declaration also states:
 - The suspect in the robbery was armed with a small caliber handgun and was able to get away with an undisclosed amount of money. A witness saw the suspect leave in a white van.
 - An officer saw a white van driving recklessly. The van was going through town at a high rate of speed. The officer attempted to stop the van by activating emergency lights and a siren. The driver failed to stop and continued through red lights and stop signs.
 - Several officers joined the pursuit and the driver proceeded to the freeway, traveling over 100 MPH. Officers deployed spikes and the vehicle was immobilized.
 - The driver fled on foot. He was armed with a handgun, and was taken into custody soon after.
- 4) Mr. Andrus admitted to a police officer he had committed the crimes and said he needed the money. When asked about the gun used in the robbery, he said that he had two handguns, one on his person and the gun used in the robbery was in the van.
- 5) Mr. Andrus was booked into the Yakima County Jail; his bail is set for \$200,000. As of February 12, 2015, Mr. Andrus is still in custody. A trial date is set for March 23, 2015.
- 6) On February 10, 2015, Mr. Andrus was indicted on federal charges for Bank Robbery and Brandishing of a Firearm During a Crime of Violence, in violation of Title 18.
- 7) On February 19, 2015, the state dismissed without prejudice the state felony charges for Robbery, 1st degree, a class A felony, and Attempting to Elude a Pursuing Police Vehicle, a class C felony charges.
- 8) On March 2, 2015, an Order Granting the United States' Motion for Detention was filed in the case. It states that the Court conducted a bail hearing and determined "there is a rebuttable presumption that Defendant is a flight risk and a danger to the community

based on the nature of the pending charge. Application of the presumption is appropriate in this case. There are no conditions or combination of conditions other than detention that will ensure the safety of the community.”Mr. Andrus was ordered to be held in detention pending disposition of the case or until further order of the court.

- 9) Mr. Andrus is currently in custody as of April 1, 2015, at the Yakima County Jail on a U.S. Marshall Hold, pending further disposition.

VIOLATIONS:

1) RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or certified employee, or any person with any interest therein:

(The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter.

(9) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (4) of this section:¹ PROVIDED, That at the request of an applicant for an original license, the commission may defer decision upon the application during the pendency of such prosecution or appeal.

2) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, certified employee, or anyone holding a substantial interest in the applicant's or certified employee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(2) Has been convicted of, or forfeited bond on a charge or, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. “Physical harm to individuals” includes

¹ (4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude.

any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person:

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by:

- (a) Prior activities.
- (b) Criminal record.

3) RCW 9.46.153(1) Applicants and licensees - responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

Dane E. Andrus is subject to pending charges for first-degree robbery, and for attempting to elude a pursuing police vehicle with visual and audible signals, and driving a vehicle in a reckless manner. Mr. Andrus poses a threat to the effective regulation of gambling or increases the likelihood of unfair or illegal practices. Mr. Andrus had his pending state charges dismissed without prejudice and has now been indicted on federal charges for Bank Robbery and Brandishing of a Firearm During a Crime of Violence, in violation of Title 18, and is currently in custody on a U.S. Marshall Hold, pending further disposition. Mr. Andrus has failed to establish clearly and convincingly that he is qualified to be licensed, as required by RCW 9.46.153(1). As a result, grounds exist to revoke Dane E. Andrus license based on RCW 9.46.075(1), (8), and (9), and WAC 230-03-085(1), (2), and (8).

IV.

CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Dane E. Andrus' license to conduct gambling activities under the authority of the RCW 9.46.075 and WAC 230-03-085.

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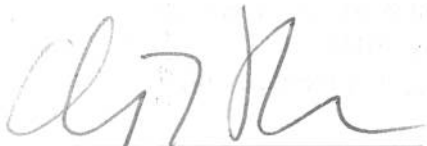
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DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Dane E. Andrus' license to conduct gambling activities is REVOKED.

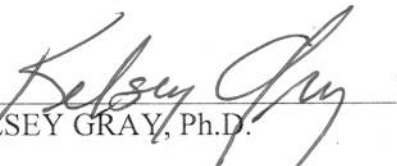
DATED this 7 day of May, 2015.



CHRISTOPHER STEARNS, CHAIR



BUD SIZEMORE, VICE-CHAIR



KELSEY GRAY, Ph.D.



ED TROYER



JULIA PATTERSON

PRESENTED BY:



Arlene Dennistoun, WSBA# 28760
Staff Attorney
Washington State Gambling Commission

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

NOTICE: Petition for Judicial Review

You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final Order must be filed with the court and served upon both the Commission and the Office of the Attorney General within thirty-days (30) after the date this Final Order is served upon you.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

Washington State Gambling Commission
Communications & Legal Division
PO Box 42400
Olympia, Washington 98504-2400

Gregory J. Rosen
Assistant Attorney General
P.O. Box 40100
Olympia, WA 98504-0100

STATE OF WASHINGTON)
)SS
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 11 day of May, 2015

Marcus Pretell

Communications and Legal Department
Washington State Gambling Commission